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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,281	02/09/2001	Ikuo Nakamura	112857-200	8042
29175	7590	11/10/2005	EXAMINER	
BELL, BOYD & LLOYD, LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			RYMAN, DANIEL J	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 11/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/780,281

Applicant(s)

NAKAMURA, IKUO

Examiner

Daniel J. Ryman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Examiner acknowledges the filing of an RCE by Applicant on 10/14/2005.
2. Applicant's arguments filed 10/14/2005, regarding claims 1-12, have been fully considered but they are not persuasive. On pages 6-7 of the Response, Applicant asserts that "the [prior art] does not teach, suggest or disclose that a time setting function is a capability made known to an outside device." Examiner, respectfully, disagrees.
3. As Applicant acknowledges on page 7 of the Response, the Specification indicates (1) "that a problem exists (i.e., deviation of recorded pictures from reproduced pictures) when one device has a time compensation capability and another does not"; (2) "that 'time of [the digital VCR devices'] internal clocks should be compensated' to synchronize the recorded picture and the reproduced picture"; and (3) that it is "preferred to uniformly manage time of the internal clocks of the individual AV devices of a home network system." The Specification also discloses that it is known in the prior art to use an external source to compensate a devices' time (page 1, lines 24-26). Shteyn teaches that in HAVi networks, devices post their capabilities in order to allow a device to be controlled using a DCM. Thus, the combination of Shteyn and Applicant's admitted prior art suggests making a time setting function capability known to an outside device because this would allow a single device in the HAVi network to use DCMs containing time setting capability information to "uniformly manage time of the internal clocks of the individual AV devices of a home network system.
4. Examiner acknowledges that the Specification, when viewed in isolation, "does not state how [] uniform time management is accomplished, and [that] knowledge of a time compensating

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function's presence or absence in a device is not necessary for all uniform time management systems" (Response: pg. 7). However, Examiner maintains that when the Specification is viewed in light of the teachings of Shteyn, the combination suggests a method for uniform time management to be accomplished, which utilizes knowledge of a time compensating function's presence or absence in a device. Although the Specification might not disclose how to accomplish a uniform time management system, and although Shteyn might not disclose a time-setting capability on the devices, this does not mean that the combination fails to disclose a system that accomplishes a uniform time management system. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

5. For the foregoing reasons, Examiner maintains that the cited prior art renders the limitations of claims 1-12 obvious.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shteyn (USPN 6,199,136) in view of Applicant's admitted prior art in further view of Tobias, II et al. (USPN 5,530,859).

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8. Regarding claims 1, 11, and 12, Shteyn discloses a controlling apparatus for exchanging an information signal among a plurality of electronic devices through a network system, comprising: a control information obtaining part (device control module) for obtaining control information (self describing data) from the plurality of electronic devices, the control information allowing the plurality of electronic devices to be controlled (col. 3, line 51-col. 4, line 4; col. 4, lines 26-42; and col. 4, line 53-col. 5, line 1).

Shteyn does not expressly disclose a time setting function determining part for determining whether the plurality electronic devices have a time setting function corresponding to the control information obtained by the control information obtaining part. However, Shteyn does disclose a function determining part (DCM) for determining whether the plurality electronic devices have a function corresponding to the control information obtained by the control information obtaining part (col. 3, line 42-col. 4, line 19; col. 4, lines 26-42; and col. 4, line 53-col. 5, line 1). Applicant teaches as prior art that some devices in HAVi use a time compensating function while others do not (pg. 1, line 14-pg. 2, line 4). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to have a time setting function determining part for determining whether the plurality electronic devices have a time setting function corresponding to the control information obtained by the control information obtaining part in order for the controller to determine if the device needs to have a clock set.

Shteyn in view of Applicant does not expressly disclose a time information obtaining part for obtaining time information and a time information setting part for setting the time information obtained by the time information obtaining part to each of the electronic devices determined as devices having the time setting function by the time setting function determining

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part. Tobias teaches, in a system for synchronizing audio and video information (col. 8, lines 62-65), using a time information obtaining part for obtaining time information (col. 6, line 66-col. 7, line 35 and col. 7, lines 51-64); and a time information setting part for setting the time information obtained by the time information obtaining part to each of the electronic devices determined as devices having a time setting function (col. 6, line 66-col. 7, line 12 and col. 7, lines 29-35) in order to synchronize the timing of devices in a flexible manner (col. 6, line 66-col. 7, line 21). Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to have a time information obtaining part for obtaining time information and a time information setting part for setting the time information obtained by the time information obtaining part to each of the electronic devices determined as devices having the time setting function by the time setting function determining part in order to synchronize the timing of devices in a flexible manner.

9. Regarding claim 2, Shteyn in view of Applicant in further view of Tobias discloses that the network system is composed of an IEEE 1394 serial bus (Shteyn: col. 1, lines 43-56).

10. Regarding claim 3, Shteyn in view of Applicant in further view of Tobias discloses that the control information obtaining part obtains the control information when a topology of the network changes (Shteyn: col. 2, line 66-col. 3, line 31 and col. 3, line 42-col. 4, line 25).

11. Regarding claim 4, Shteyn in view of Applicant in further view of Tobias discloses that the control information obtained by the control information obtaining part is composed of a control program for controlling the electronic devices and device attribute information of the electronic devices (Shteyn: col. 3, line 51-col. 4, line 4; col. 4, lines 26-42; and col. 4, line 53-col. 5, line 1).

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12. Regarding claim 5, Shteyn in view of Applicant in further view of Tobias suggests using a time setting permission determining part for determining whether the electronic devices permit an external setting operation of the time information (Applicant: pg. 1, line 14-pg. 2, line 4) where some devices do not require a time set since the devices already contain an internal clock; wherein the time information setting part sets the time information to the electronic devices whose external setting operation has been permitted by the time setting permission determining part (Tobias: col. 6, line 66-col. 7, line 12 and col. 7, lines 29-35).

13. Regarding claim 6, Shteyn in view of Applicant in further view of Tobias discloses a time setting displaying part for displaying the electronic devices to which said time information setting part is capable of setting the time information (Shteyn: col. 2, lines 36-42 and Tobias: col. 19, lines 36-65).

14. Regarding claim 7, Shteyn in view of Applicant in further view of Tobias discloses a time setting selecting part for selecting an electronic device from the electronic devices displayed as devices that are capable of setting the time information by the time setting displaying part (Shteyn: col. 2, lines 36-42 and Tobias: col. 19, lines 36-65).

15. Regarding claim 8, Shteyn in view of Applicant in further view of Tobias discloses that the time information obtaining part obtains the time information from the outside of the network system (Tobias: col. 7, lines 16-20 and col. 7, lines 51-64).

16. Regarding claim 9, Shteyn in view of Applicant in further view of Tobias discloses a time compensating function determining part for determining whether the electronic devices have a time compensating function corresponding to time information obtained from the outside, the time compensating function allowing the electronic devices to compensate time thereof

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(Applicant: pg. 1, line 14-pg. 2, line 4); wherein the time information setting part sets the time information obtained by the time information obtaining part to the electronic devices determined as devices that do not have the time compensating function by the time compensating function determining part (Tobias: col. 6, line 66-col. 7, line 12 and col. 7, lines 29-35), where some devices do not require a time set since the devices already contain an internal clock.

17. Regarding claim 10, Shteyn in view of Applicant in further view of Tobias suggests that the time information obtaining part obtains the time information from the electronic devices determined as devices that have the time compensating function by the time compensating function determining part (Applicant: pg. 1, line 14-pg. 2, line 4 and Tobias: col. 7, lines 16-20 and col. 7, lines 51-64) where Applicant discloses that the time compensating function has a time source and where Tobias discloses using a time source to set a time for a device such that it would have been obvious to use a time source in the system to set the time.

***Allowable Subject Matter***

18. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Although the prior art discloses determining the accuracy value of one or more clocks present in the network system and then obtaining time from a highest accuracy clock, the prior art does not disclose or fairly suggest performing these steps and then using the obtained time value to set the time for other devices in the system. Rather, in the prior art, each device, by itself, determines the highest accuracy clock and then uses this clock value as its own internal clock. See Cotton et al. (USPN 5,870,441).



*Conclusion*

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dockter et al. (USPN 5,420,801) see entire document which pertains to synchronization of multimedia streams.

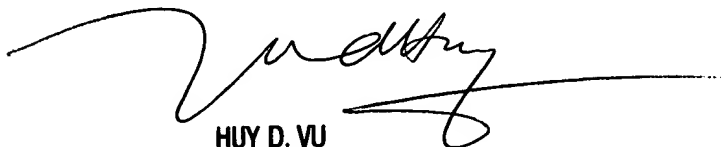
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Ryman whose telephone number is (571)272-3152. The examiner can normally be reached on Mon.-Fri. 7:00-4:30 with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*DJR*

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